UNITED STATES PATENT AND TRADEMARK OFFICE

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10/567,648	02/09/2006	Toru Koike	00862.109341.	2457

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EXAMINER
ADEYIGA, TEMITOPE A

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/567,648	KOIKE ET AL.
Office Action Summary	Examiner	Art Unit	
	TEMITOPE ADEYIGA	2622	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 December 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 3-30</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 3-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>February 9 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some *   c)☐ None of:

         1.☒ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Amendments to the claims were filed on December 24 2008. Claims 11 and 23 have been amended. The rejections of Claims 11 and 23 under 35 U.S.C. §101 is withdrawn in response to the amendments. Claims 1 and 3 to 30 are pending in the application.

Response to Arguments

2. Applicant's arguments, see pages 15-16, filed December 24, 2008, with respect to the rejection(s) of claim(s) 1 and 10-12 under 35 U.S.C. §102(b) over Suzuki have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over Suzuki in view of (US 6463432).

3. Applicant's arguments, see pages 17-18, filed December 24, 2008, with respect to the rejection(s) of claim(s) 13 and 22-24 under 35 U.S.C. §103(a) over Suzuki in view of Dalton have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made over Suzuki in view of (US 6463432) in view of Dalton.

4. Applicant's failure to adequately traverse the Examiner's taking of Official Notice in rejecting Claims 3, 6-9, 16-21, and 27-30 in the last office action is taken as an admission of the fact(s) noticed. See MPEP 2144.03-R-6 (C)

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1, 4, 5, 10-12 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5796429) hereinafter referred to as Suzuki in view of (US 6463432) hereinafter referred to as Murakawa.

    a. **Claim 1** Suzuki discloses "An imaging apparatus for recording captured images, comprising: a plurality of connector units for connecting removable storage medium, respectively [Suzuki Column 3; lines 50-55]; a first storage medium that is connected to a first connector unit among the plurality of connector-units and stores a plurality of image data as an object of image retrieval [item 9a]; a second storage medium that is connected to a second connector unit among the plurality of connector units and stores key image data as a retrieve condition that was generated independently from the image data [item 9b];

        i. Suzuki fails to disclose" and a retrieval unit that retrieves image data from the first storage medium that is similar to the key image data read from the second storage medium." Murakawa discloses an apparatus for retrieving images similar to a key image out of objective images. Murakawa discloses similar-image retrieval unit, which reads on "a retrieval unit that retrieves image data from the first storage medium that is similar to the key image data read from the second storage medium[Murakawa Column 7; lines 15-45 and Abstract]"

        ii. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki by providing " a retrieval unit that retrieves image data from the first storage medium that is similar to the key image data read from the second storage medium" as disclosed by Murakawa for

the purpose of providing automatic comparison of the objective image with the key image and to provide retrieval of image data based on the comparison. [Murakawa Column 2; lines 32-67]

b. **Claim 4** Suzuki discloses "The imaging apparatus according to claim 1, further comprising: a display unit that displays, as candidate store areas for retrieved image data, a plurality of candidate store areas including the first storage medium first kind of storage medium and the second storage medium [Suzuki Column 4; lines 42-51]; a selection unit that selects a storage medium as a store area from the plurality of candidate store areas that were displayed; and a control unit that writes the image-data that was retrieved onto the storage medium that was selected. [Suzuki Column 6; lines 60-65]"

c. **Claim 5** Suzuki does not specifically disclose "non-volatile storage medium or a volatile storage medium that is energized by a backup battery"; However examiner maintains that external storage devices disclosed by [Suzuki Column 3; line 52] are inherently either a "non-volatile storage medium or a volatile storage medium that is energized by a backup battery."

d. **Claim 10** is of the same scope of Claim 1; therefore Claim 10 is rejected similarly as applied in the rejection of Claim 1.

e. **Claim 11** is of the same scope of Claim 1; therefore Claim 11 is rejected similarly as applied in the rejection of Claim 1.

f. **Claim 12** is of the same scope of Claim 1; therefore Claim 12 is rejected similarly as applied in the rejection of Claim 1.

g. **Claim 24** is of the same scope of Claim 1; therefore Claim 24 is rejected similarly as applied in the rejection of Claim 1.

h. **Claim 25** is of the same scope of Claim 4; therefore Claim 25 is rejected similarly as applied in the rejection of Claim 4.

i. **Claim 26** is of the same scope of Claim 5; therefore Claim 26 is rejected similarly as applied in the rejection of Claim 5.

6. Claims 3, 6-9, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Murakawa in view of Official Notice.

a. **Claim 3** Suzuki discloses the claimed invention except for "a third storage medium"; However, Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "a third storage medium" since, as cited in Claim 1, Suzuki discloses the interaction between the two connected external storage devices, to replace one of the external storage devices with another that functions the same way and will have the same interaction with the other external storage device requires only routine skill in the art.

b. **Claim 6** Suzuki discloses the claimed invention except for "making file management information such as a file name, a folder name, a file extension name or a file attribute respectively different for the key image data and the image data"; However, Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "making file management information such as a file name, a folder name, a file extension name or a file attribute respectively different for the key image data and the image data", since all computer files are encode for storage in a

specific file format and all computer files in storage have a specific location within a storage medium.

c. **Claim 7** Suzuki does not specifically disclose "an edit processing unit that reads the key image data from the second storage medium, edits the key image data that was read, and writes the edited key image data on the second storage medium"; However Official Notice is hereby taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide "an edit processing unit that reads the key image data from the second storage medium, edits the key image data that was read, and writes the edited key image data on the second storage medium" since it such as widely known and used feature wherever a storage device is being implemented.

d. **Claim 8** Suzuki does not specifically disclose "deletion component that deletes the key image data stored in the second storage medium"; However Official Notice is hereby taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide "deletion component that deletes the key image data stored in the second storage medium" since it such as widely known and used feature wherever a storage device is being implemented.

e. **Claim 9** Suzuki does not specifically disclose "copy component that reads the image data stored in the first storage medium and writes at least one part of the image data that was read on the second storage medium as the key image"; However Official Notice is hereby taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide "copy component that reads the image data stored in the first storage medium and writes at least one part of the image data that was read on the second storage

medium as the key image" since it such as widely known and used feature wherever a storage device is being implemented.

f. **Claim 27** is of the same scope of Claim 6; therefore Claim 27 is rejected similarly as applied in the rejection of Claim 6.

g. **Claim 28** is of the same scope of Claim 7; therefore Claim 28 is rejected similarly as applied in the rejection of Claim 7.

h. **Claim 29** is of the same scope of Claim 8; therefore Claim 29 is rejected similarly as applied in the rejection of Claim 8.

i. **Claim 30** is of the same scope of Claim 9; therefore Claim 30 is rejected similarly as applied in the rejection of Claim 9.

7. <u>Claims 13-15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Murakawa in view of (US 20050110878) hereinafter referred to as Dalton.</u>

a. **Claim 13** Suzuki discloses "An imaging apparatus for recording captured images, comprising: connector component that connects image storage component that stores image data to the imaging apparatus in a removable condition [Suzuki Column 3; lines 50-60 items 10a and 10b]"

   i. Suzuki fails to disclose" retrieve condition storage component that stores retrieve condition data such as a key image or a keyword for use as a retrieve condition when performing image retrieval with respect to the image data stored in the image storage component connected to the connector component; retrieval component that retrieves the image data that matches or is similar to the retrieve condition data from the image storage component connected to the connector component "

ii. Murakawa discloses similar image retrieval unit which reads on " retrieve condition storage component that stores retrieve condition data such as a key image or a keyword for use as a retrieve condition when performing image retrieval with respect to the image data stored in the image storage component connected to the connector component; retrieval component that retrieves the image data that matches or is similar to the retrieve condition data from the image storage component connected to the connector component "

[Murakawa Column 7; lines 15-45 and Abstract]

iii. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki by providing "retrieve condition storage component that stores retrieve condition data such as a key image or a keyword for use as a retrieve condition when performing image retrieval with respect to the image data stored in the image storage component connected to the connector component; retrieval component that retrieves the image data that matches or is similar to the retrieve condition data from the image storage component connected to the connector component" as disclosed by Murakawa for the purpose of providing automatic comparison of the objective image with the key image and to provide retrieval of image data based on the comparison. [Murakawa Column 2; lines 32-67]

iv. The combined teachings of Suzuki and Murakawa do not specifically disclose "and internal storage component that accumulatively stores the image data that was retrieved until there is an explicit delete instruction, even when the image storage component was detached from the connector component or was replaced with another image storage component."

      v. Dalton discloses methods for managing images captured by the digital camera. [Dalton ¶0023] discloses the accumulation of images retrieved on a condition (tagged as "favorite") after the external storage device is no longer available.

      vi. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Suzuki and Murakawa by providing "and internal storage component that accumulatively stores the image data that was retrieved until there is-an explicit delete instruction, even when the image storage component was detached from the connector component or was replaced with another image storage component" as disclosed by Dalton for the purpose of accessing specified images even in the cases where the memory cards previously used to store the corresponding specified images are not available. [Dalton ¶0023]

b. **Claim 14** Murakawa and Dalton disclose "the retrieval component retrieves the image data that matches or is similar to the retrieve condition data [Murakawa Column 9; lines 1-30] from each of a plurality of the image storage component that are sequentially inserted into and removed from the connector unit[Dalton ¶26 and ¶27]"

c. **Claim 15** The combined teachings of Suzuki, Murakawa, and Dalton disclose "the retrieve condition storage component is a non-volatile storage medium and the retrieve condition data is used commonly with respect to the plurality of image storage component that are sequentially inserted into and removed from the connector unit." [Dalton ¶25, ¶26, and ¶27]

d. **Claim 22** is of the same scope of Claim 13; therefore Claim 22 is rejected similarly as applied in the rejection of Claim 13.

    e. **Claim 23** is of the same scope of Claim 13; therefore Claim 23 is rejected similarly as applied in the rejection of Claim 13.

8. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of Murakawa in view of Dalton as applied to claim 13 above, and further in view of Official Notice.

    a. **Claim 16** Suzuki, Murakawa, and Dalton disclose the claimed invention **except for specifically disclosing** " non-volatile storage component for saving the retrieve condition data when there is an instruction to deactivate the power from the power deactivation switch; and read/write control component that, when the power to the imaging apparatus is reactivated, reads the retrieve condition data from the non-volatile storage component to write the retrieve condition data in the retrieve condition storage component"; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "non-volatile storage component for saving the retrieve condition data when there is an instruction to deactivate the power from the power deactivation switch; and read/write control component that, when the power to the imaging apparatus is reactivated, reads the retrieve condition data from the non-volatile storage component to write the retrieve condition data in the retrieve condition storage component", since non-volatile storage devices were known to maintain an indicator of the status of data transfer for situations when the device that the non-volatile storage device is connected is powered off.

    b. **Claim 17** Suzuki, Murakawa, and Dalton disclose the claimed invention **except for specifically disclosing** "selection component that selects whether or not to store

the retrieve condition data on the non-volatile storage component when the image retrieval processing ends; and write control component that writes the retrieve condition data on the non-volatile storage component when a selection is made to store the retrieve condition data on the non-volatile storage componenet"; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "selection component that selects whether or not to store the retrieve condition data on the non-volatile storage component when the image retrieval processing ends; and write control component that writes the retrieve condition data on the non-volatile storage component when a selection is made to store the retrieve condition data on the non-volatile storage component", since, as mentioned above in the rejection of Claim 16, the status of data transfer were well known to non-volatile storage devices, to make that feature selectable, requires only routine skill in the art.

c. **Claim 18** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing "flag control component that sets a flag showing that retrieval is in progress at the start of image retrieval processing by the retrieval component and resets the flag at the end of the image retrieval processing; flag determination component that determines whether the flag is set when the power of the imaging apparatus is activated; first message display component that, when the flag had been set, displays a message to inquire whether or not to continue the image retrieval processing; first input component that inputs an instruction as to whether or not to continue the image retrieval processing; and first continuation instruction component that, when an instruction to continue the image retrieval processing was input, instructs the retrieval component to continue the image retrieval processing"; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "flag control component that sets a flag showing that retrieval

is in progress at the start of image retrieval processing by the retrieval component and resets the flag at the end of the image retrieval processing; flag determination component that determines whether the flag is set when the power of the imaging apparatus is activated; first message display component that, when the flag had been set, displays a message to inquire whether or not to continue the image retrieval processing; first input component that inputs an instruction as to whether or not to continue the image retrieval processing; and first continuation instruction component that, when an instruction to continue the image retrieval processing was input, instructs the retrieval component to continue the image retrieval processing", since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

d. **Claim 19** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing "second message display component that, when an instruction is given to execute the image retrieval processing, displays a message to inquire whether or not to change the retrieve condition data; second input component that inputs an instruction to change the retrieve condition data; and change component that changes the retrieve condition data when an instruction is input to change the retrieve condition data"; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "second message display component that, when an instruction is given to execute the image retrieval processing, displays a message to inquire whether or not to change the retrieve condition data; second input component that inputs an instruction to change the retrieve condition data; and change component that changes the retrieve condition data when an instruction is input to change the retrieve condition data", since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

e. **Claim 20** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing "third message display component that, when the image retrieval processing ends for an arbitrary image storage component, displays a message to inquire

whether or not to replace the image storage component with a different image storage component and continue the image retrieval processing; third input component that inputs an instruction as to whether or not to continue the image retrieval processing; and second continuation instruction component that, when an instruction to continue the image retrieval processing is input and the different image storage component is connected to the connector component, instructs the retrieval component to continue the image retrieval processing"; However it Official Notice is hereby taken that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "third message display component that, when the image retrieval processing ends for an arbitrary image storage component, displays a message to inquire whether or not to replace the image storage component with a different image storage component and continue the image retrieval processing; third input component that inputs an instruction as to whether or not to continue the image retrieval processing; and second continuation instruction component that, when an instruction to continue the image retrieval processing is input and the different image storage component is connected to the connector component, instructs the retrieval component to continue the image retrieval processing", since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

f.   **Claim 21** Suzuki, Murakawa, and Dalton disclose the claimed invention except for specifically disclosing "writing component that, when the image retrieval processing based on the retrieve condition data ends, writes completion information indicating the completion of the image retrieval processing based on the retrieve condition data onto the image storage component that is connected to the connector component; detection component that detects that the image storage component on which the completion information is stored was connected to the connector component; and fourth message display component that, when the connection is detected by the detection component, displays a message indicating that the image retrieval processing for the retrieve condition data has been completed"; However it Official Notice is hereby taken

that it would have been obvious to one ordinary skill in the art at the time the invention was made to provide "writing component that, when the image retrieval processing based on the retrieve condition data ends, writes completion information indicating the completion of the image retrieval processing based on the retrieve condition data onto the image storage component that is connected to the connector component; detection component that detects that the image storage component on which the completion information is stored was connected to the connector component; and fourth message display component that, when the connection is detected by the detection component, displays a message indicating that the image retrieval processing for the retrieve condition data has been completed", since it is way of notifying the user of the status, as mentioned above in the rejection of Claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMITOPE ADEYIGA whose telephone number is (571)270-3578. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. A./
Examiner, Art Unit 2622

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622